

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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IN RE PHARMACEUTICAL INDUSTRY)	MDL 1456
AVERAGE WHOLESALE PRICE)	No. 01-CV-12257-PBS
LITIGATION)	
)	Judge Patti B. Saris
)	
_____)	
THIS DOCUMENT RELATES TO:)	
<i>State of Montana v. Abbot Labs, Inc., et al.,</i>)	
D. Mont. Case No. CV-02-09-H-DWM)	
_____)	

NOTICE OF FILING UNDER SEAL

To: All Counsel of Record

Please take notice that on February 8, 2007, we, as counsel for Defendants, will jointly cause to be filed under seal with Judge Saris and the Clerk of the United States District Court for the District of Massachusetts the following items:

1. Confidential Declaration of Kathleen M. O'Sullivan In Support of Defendants' Motion for Summary Judgment, dated February 8, 2007, with the following 10 Exhibits;
2. Excerpts from the December 15, 2006 deposition of Montana's 30(b)(6) designee Jeff Buska;
3. Excerpts from the April 21, 2006 deposition of John Chappuis, Deputy Director, Montana DPHHS;
4. Excerpts from the August 23, 2006 deposition of Raymond S. Hartman, expert witness for the States of Montana and Nevada regarding damages;
5. Excerpts from the August 16, 2005 deposition of Geoffrey Kilgore;
6. Excerpts from the January 11, 2005 deposition of Patricia Kay Morgan, deponent on behalf of third-party publisher First DataBank;

7. Excerpts from the January 10, 2007 deposition of Rose Svitak, deponent on behalf of the Minnesota Multi-State Contracting Alliance for Pharmacy;
8. A true and accurate copy of MON0003034-3064, a September 23, 2002 contract between Express Scripts and Blue Cross Blue Shield of Montana;
9. A true and accurate copy of MON0002995-3008, a February 1995 contract between Pharmacy Gold and Blue Cross Blue Shield of Montana;
10. A true and accurate copy of MON0006486-6500, a December 1999 contract between DPS and Blue Cross Blue Shield of Montana; and
11. A true and accurate copy of MON010469, a summary of drug savings achieved by AdvancePCS.

DATED: February 8, 2007

**ON BEHALF OF ALL DEFENDANTS
IN THE MONTANA ACTIONS**

By: /s/ Thomas J. Sartory

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Dated: February 8, 2007

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of February 2007, a true and correct copy of the foregoing document was served upon all counsel of record by electronic service pursuant to the District of Massachusetts's Electronic Case Filing System (CM/ECF).

/s/ Thomas J. Sartory
Thomas J. Sartory